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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,771	11/21/2003	Richard D. Ellison	200308979-1	3099

22879                      7590                      02/08/2008  
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INTELLECTUAL PROPERTY ADMINISTRATION  
FORT COLLINS, CO 80527-2400

EXAMINER
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JAMAL, ALEXANDER

ART UNIT	PAPER NUMBER
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2614

NOTIFICATION DATE	DELIVERY MODE
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02/08/2008

ELECTRONIC

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Application/Control Number:  
10/719,771  
Art Unit: 2614

Page 2



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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/719,771  
Filing Date: 11-21-2003  
Appellant(s): ELLISON, RICHARD D.

**MAILED**

**FEB 08 2008**

**Technology Center 2600**

Edward J. Brooks III (40925)  
For Appellant

*Supplemental*

**EXAMINER'S ANSWER**

This is in response to the reply brief filed 12-14-2007.

As per appellant's arguments (page 11) that the Smith reference does not disclose communicating an output voice stream to a PSTN, the examiner disagrees. As stated by the appellant (page 11 3<sup>rd</sup> paragraph) "element 70 in Fig. 1A of Smith appears to show output only to PBX or central office switch". The central office switch is part of the PSTN. The device of Smith may be considered to be part of a PBX, but it clearly is coupled to and communicates with (ie. sends an output stream) to the PSTN. The central office switch is a well known part of the PSTN.

As per appellants arguments that Smith appears to describe a voice messaging system to only receive incoming calls (page 12), the examiner notes that appellant has not shown anywhere in the Smith reference that discloses that Smith is only used for 'voice messages'. Smith clearly discloses an interface between a central office (PSTN) and user's connected to Smith's device. Smith's device could be read as part of a PBX that provides the interface between the PBX subscribers and the PSTN (via the central office). Smith does this via a TDM highway (Col 6 lines 1-15) that uses a DSP to perform AGC on the signals in the TDM bus (Col 8 lines 35-45). The examiner notes that the appellant has not responded to or addressed any of the examiner's comments regarding the function of the DSP on the TDM bus that is part of the line interface modules (which appellant has already admitted are communicating with the central office switch).

As per appellants argument that Smith does not disclose applying a gain value to the outgoing voice signal stream before it enters the output channel (page 12 bottom), the examiner contends that Smith applies gain values to voice data on a TDM bus that is used to facilitate calls

(which are known to be bidirectional as per the known PSTN standards) between users via the PSTN.

As per appellant's repeated assertions that Smith does not disclose applying gain to signals before they are output to a PSTN (pages 13-15). The examiner repeats the above responses.

As per appellants arguments that in Smith's system, the gain processing on outgoing signals must 'necessarily flow' (pages 16); the examiner notes that appellant already admits that Smith's system receives 'calls'. A 'call' on a PSTN is a request for a bidirectional communication between at least two parties. The voice data on the aforementioned TDM bus of Smith is processed for AGC in response to a call. Examiner contends that this would include voice signaling in both directions.

As per appellant's verbose explanation of what defines a PSTN (pages 17-22), the examiner accepts appellants explanation and withdraws the statement that appellant's specification does not define the boundaries of a PSTN. Examiner further concedes that the telephone connected to a PBX or any other terminals may not be considered an outgoing stream in the PSTN (as per examiner's assertion (bottom of page 9) in the originals examiner's answer filed 11-9-2007). However, examiner would like to note a few items for consideration by the board in view of the now clearly defined boundaries of the PSTN.

As per the appellant, (top of page 18), the PSTN is defined by a set of standards that terminals must meet. The appellant is claiming to perform gain control on signals such that they

conform (operate in compliance with) to known PSTN standards. The appellant is claiming to produce a terminal (a device coupled to the PSTN but not part of the PSTN) that acts to conform to the known standards of the PSTN. The examiner notes that appellants claims as written would read on any terminal, or network (such as a PBX) that connects to the PSTN and performs 'gain control' in order to meet the known standards of a PSTN. The examiner contends that any device terminal, or PBX network that is designed to be used with the PSTN would be designed to conform to the already known standards of the PSTN. The purpose of a set of 'standards' for a network, is to provide a set of design guidelines that must be met by any devices that will be used with said network. Appellant is claiming a device that uses gain control to conform with the known standards of a PSTN. Smith discloses a device that performs gain control on voice data in a TDM bus used to communicate with a central office (PSTN). As such the examiner contends that it 'necessarily flows' that the voice data would be bidirectional and would be gain controlled in order to meet the known standards of the PSTN. However, if the board were to ascertain that the gain processing is not applied bi-directionally, the examiner requests the board to consider how obvious it would be to use the disclosed gain control of Smith to allow a terminal or PBX to meet known PSTN standards when connecting to the PSTN.

Appellant may file another reply brief in compliance with 37 CFR 41.41 within two months of the date of mailing of this supplemental examiner's answer. Extensions of time under 37 CFR 1.136(a) are not applicable to this two month time period. See 37 CFR 41.43(b)-(c).

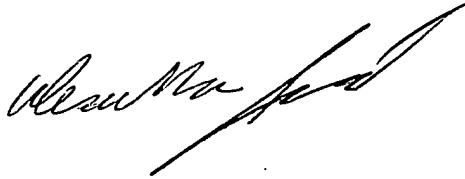
Application/Control Number:  
10/719,771  
Art Unit: 2614

Page 6

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Jamal whose telephone number is 571-272-7498. The examiner can normally be reached on M-F 9AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A Kuntz can be reached on 571-272-7499. The fax phone numbers for the organization where this application or proceeding is assigned are **571-273-8300** for regular communications and **571-273-8300** for After Final communications.

Examiner Alexander Jamal



January 19, 2008



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